Supreme Court, U. S.
FILED
JUN 2 1980
MICHAEL RODAK, JR., CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

NO. 79-1867

LEWIS E. JONES,

Petitioner

VS.

CLIFFORD ALEXANDER,
SECRETARY OF THE ARMY,

Respondent

SUPPLEMENTAL APPENDIX

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IN THE SUPREME COURT
OF THE UNITED STATES OF AMERICA

LEWIS E. JONES,	:	NO. 79-1867
	:	
Petitioner	:	
	:	CIVIL ACTION
vs.	:	
	:	
CLIFFORD ALEXANDER SECRETARY OF THE ARMY,	:	
	:	
Respondent	:	

SUPPLEMENTAL APPENDIX

Petitioner in the above and foregoing matter hereby files his Supplemental Appendix to the Petition for Certiorari previously filed herein. This Supplemental Appendix consists of the Memorandum and Order and the Judgment in the United States District Court for the Middle District of Georgia, which was appealed to the United States Court of Appeals for the Fifth Circuit.

Respectfully submitted this 27th day of May, 1980.

Jerry D. Sanders
Attorney for Petitioner

APPENDIX C

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

LEWIS E. JONES,)
CIVIL ACTION
Plaintiff)
NO. 77-10-COL
vs.)

CLIFFORD ALEXANDER,)
Secretary of the Army,
)
Defendant
)

MEMORANDUM AND ORDER ON DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

In this case the Plaintiff is an officer in the United States Army Reserve who has been released from active duty as a result of two non-selections for promotion to the next higher temporary grade, his release having been required by the pertinent Army Regulation. When this complaint was filed the Plaintiff moved the Court for preliminary injunc-

tion to stay his imminent release from active duty. On February 1, after a hearing on the matter, the Court denied the Plaintiff's motion for preliminary injunction and the Plaintiff was thereafter released from active duty as above noted. He was not discharged from the Army. He retained his Reserve Officer commission and received readjustment pay in the amount of $15,000.00.

On March 31, 1977, the Defendant filed a motion for summary judgment and a brief in support of the motion. Upon consideration, the Court determines that for all of the reasons urged in the Defendant's motion and the brief filed in support thereof, the Defendant's motion for summary judgment should be and the same is hereby sustained and judgment will be entered accordingly.

ENTERED this 20th day of May, 1977.

s/ J. Robert Elliott
UNITED STATES DISTRICT
JUDGE

I certify that I have mailed
a copy thereon to counsel
of record.
This 20th day of May, 1977.
WALTER F. DOYLE, CLERK
BY: s/ Johnnie L. Adams
Deputy Clerk

APPENDIX D

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

LEWIS E. JONES,	)CIVIL ACTION
Plaintiff	)NO. 77-10-COL
vs.	)
CLIFFORD ALEXANDER, Secretary of the Army,	)
Defendant	)

J U D G M E N T

The above-entitled matter having come on before the Court upon motion for summary judgment filed by the defendant; and the matter having been submitted and the Court being fully advised in the premises, and the Court having filed its written Memorandum and Order herein,

IT IS ORDERED that the defendant's motion for summary judgment is granted; and the plaintiff's complaint is dis-

missed, the Defendant recover of the Plaintiff its costs of action.

Dated at Columbus, Georgia, this 20th day of May, 1977.

WALTER F. DOYLE, CLERK

BY: s/Johnnie L. Adams

Deputy Clerk

This is to certify that I have this day mailed a copy of this document to all attorneys fo record and to all parties who are not represented by an attorney.

This 20th day of May, 1977.

WALTER F. DOYLE, CLERK

BY: s/ Johnnie L. Adams

Deputy Clerk